

FOGLAND BEACH OVERSIGHT COMMITTEE

Regular Meeting Minutes 12 April 2006

Members present: T. Ramotowski (Chairman, Conservation Commission), D. Merriman (Neighborhood Representative), J. Cook (Chairman, Recreation Commission), and G. Plunkett (Open Space Commission).

Also present: A. Cruickshank and B. Ozimek.

Chairman Ramotowski called the meeting to order at 5:10 PM at the Tiverton Community Center, 346 Judson Street.

I. Approval of Minutes

Chairman Ramotowski moved to approve the minutes of the regular meeting of 18 February 2006 as submitted. Seconded by Mr. Merriman.

VOTE: Motion passed unanimously.

II. Public Delegations

There were no public delegations.

III. Long-Term Management Plan for Fogland

- Status of RI-DEM, CRMC and NRCS Grant Applications

Chairman Ramotowski presented a letter from the RI Coastal Resources Management Council (CRMC) indicating that the Oversight Committee's grant application had been turned down by the CRMC. The letter, dated 15 February 2006, provided suggestions whose inclusion in a future grant application could improve the likelihood that funding would be received.

Chairman Ramotowski noted that the Oversight Committee's grant application with the Natural Resources Conservation Service (NRCS) for the removal of invasive plants from the Fogland Beach Conservation Area had been submitted. A letter requesting additional information was received late in February, and a response was sent. As of yet, no formal decision has been received from the NRCS concerning this application.

Chairman Ramotowski noted that the Oversight Committee was still waiting to hear back from RI-DEM on the revised statement of work for the wetlands restoration grant received for Fogland.

Mr. Plunkett noted that the maps of Fogland needed by the Oversight Committee might be already available in the assessor's office. The Open Space Commission has had to engage the services of professional surveyors in the past for some of the land it had purchased, and the costs were significant (up to \$25,000.00). Mr. Plunkett noted that the Open Space Commission had hired a local engineer, Don Medieros, to research deeds. It might also be possible to use existing State aerial photographs or GIS mapping instead of paying an outside firm to do a class I survey of Fogland.

Mr. Plunkett noted that assistance with resource mapping might also be obtained for the U.S. Fish and Wildlife Service. A fee would be charged for this service.

Mr. Merriman stated that he had spoken with a representative from NRCS recently, and that conversation led him to believe that the NRCS grant application for Fogland would not be approved. NRCS likes to spend its funding on large parcels of land, and the area that would be cleared of oriental bittersweet at Fogland using the NRCS money is quite small.

- Goals/Plans for 2006:

Chairman Ramotowski asked all Oversight Committee members to think about possible goals for the coming year. It would be highly desirable to push forward with the Long-Term Management Plan for Fogland this year, because the Town will be getting some wetland restoration funding from RI-DEM for Fogland.

IV. Report to Town Council 27 March 2006

Chairman Ramotowski reported that he had given a report to the Tiverton Town Council at its 27 March 2006 regular meeting at the request of Councilor Leonard. The activities of the Oversight Committee and the status of its recent grant requests were discussed. Mr. Plunkett noted that the Town Council will soon be starting its review of the revisions of the Town's Comprehensive Community Plan being proposed by the Planning Board. The section concerning conservation, recreation, and open space has been sent out to the appropriate Boards and Commissions for review and comment. All proposed changes will have to be reviewed and approved by the Town Council. Mr. Cook indicated that he had not yet seen the draft language concerning recreation. Mr. Plunkett stated that the draft is available as a digital file.

V. Eradication of Bittersweet Plant from Conservation Area

Chairman Ramotowski noted that, as previously discussed, a grant application was submitted to the NRCS for funding to hire a professional landscaping company to come in and kill the bittersweet plants presently growing in the conservation area. If the grant is awarded, the Oversight Committee will need to

appear before the Town Council to obtain permission to apply for a CRMC assent/permission to perform the work.

VI. Use of Fogland Beach for Large Gatherings and Commercial Purposes

Mr. Merriman inquired if the Town Solicitor had prepared the new guidance for the use of Town property for commercial purposes. Chairman Ramotowski stated that the status of this item had not changed; everyone is still waiting for the draft policy from the Town Solicitor. Mr. Merriman stated that certain individuals are continuing to run a business (wind-surfing lessons and gear rental) from Town Property (the “wind-surfer beach” at the north western end of the property) without official permission.

Mr. Cook stated that he had spoken with the individual who had organized the triathlon at Fogland Beach last year. The group is quite willing to work with any conditions that might be imposed on the use of the beach area by either the Recreation or Conservation Commission. So far, no application for a triathlon at Fogland Beach in 2006.

Mr. Merriman stated that the Town needed to do something about private individuals who continue to operate personal businesses at Fogland without any permission from the Town. In addition to not receiving any income for these activities, the Town is also exposing itself to legal liability by allowing the activities to persist.

Mr. Merriman asked if any “kayak demo days” were planned for Fogland this year. Mr. Cook replied that there had been some interest expressed by a couple of people in Town to have a “kayak demo day” this year and also to possibly offer kayaking lessons at Fogland. Nothing is firm on this yet, and when a proposal is received by the Recreation Commission for such activities, it will be brought up at the Oversight Committee as well for informational purposes.

VII. Status of Routine Maintenance Activities/Permission from CRMC

There was nothing new to report concerning this topic.

VIII. Consolidated Listing of Rules and Regulations for Fogland

There was nothing new to report concerning this topic. Mr. Cook stated that he would bring it up at the upcoming Recreation Commission meeting.

IX. Beach Fee – Origin and Comparison with Other Towns

Mr. Cook stated the Recreation Commission was interested in setting new fees for large vehicles (RVs, cars/trucks with trailers) parked at Fogland. Mr. Merriman stated that the Town Charter required all fees to be set to “at least cover

expenses.” Mr. Merriman asked if the fees collected at Fogland covered the cost of operating the beach (lifeguards, maintenance, etc.). Mr. Cook replied that he didn’t know if the fees covered all the expenses – the Recreation Commission does not keep a separate account for Fogland. All beach–related income and expenses are grouped together in the budget. Mr. Cook stated, however, that he was fairly sure the Town was not making a profit off the beaches.

Mr. Merriman stated that the beach fees should be doubled or tripled. Mr. Cook objected, stating that such increases would be unfair to non-Tiverton residents who use the Town’s beaches. Beach fees are only paid by non-residents, yet the majority of the beach users are from Tiverton. It isn’t fair to stick the entire cost of operating the Town’s two beaches on the out-of-towners. Mr. Merriman asked if the Recreation Commission had ever done a survey at Fogland to determine how many cars parked at the beach were from out-of-State. Mr. Cook stated he had no such data. Mr. Merriman stated that he would wager that a majority of the people at Fogland Beach on any given day were not from Tiverton.

Town Council was looking into all fees to make sure they covered Town expenses. Mr. Merriman stated that based upon what other towns charged for parking at their beaches, the fees charged to non-Tiverton residents should be doubled. Mr. Merriman also suggested that extra fees be charged for large vehicles (e.g., large vans and RVs) and for vehicles that towed trailers. Chairman Ramotowski pointed out that the Town had lost a court case concerning parking of vehicles with boat trailers belonging to people who launched boats at the nearby boat launch. Because of that court decision, the Town is required to allow people who use the boat launch to park for free at Fogland.

X. Dingy Dock at the Wind-Surfer Beach

Chairman Ramotowski noted that Mr. Carr, the Oversight Committee’s representative from the Harbor Commission, was not in attendance. The dingy dock was a proposal of the Harbor Commission.

Mr. Ozimek stated that he was concerned that if the dingy dock were built at Fogland, it would be taken over by fishermen. Mr. Merriman stated that he was concerned about vandalism to such a dock after hours in the evening. Mr. Merriman stated that he did not see the need for such a dock, because there are several places where small boats could already be launched at Fogland. Mr. Ozimek noted that there is a big drop off in water levels at Fogland due to the tides – would that leave the dingy dock high and dry at times? Chairman Ramotowski stated the proposed location for the dock, off of the “wind-surfer” beach at the northwest corner of the property – would allow the dock to remain floating at all times.

Mr. Merriman noted that the mooring that had broken loose in the north cove had been removed by the harbor master. Chairman Ramotowski asked if the legal

status of all of the existing moorings in the north cove mooring field had been checked. Mr. Ozimek stated that the moorings had been checked by the harbor Master, and no illegal mooring were found.

XI. Miscellaneous Committee Member Items

- Ownership of Public Boat Launch

There was no new information on this item.

- Septic System/House Construction DeLuca/13 Hart Street

Chairman Ramotowski noted that information obtained at a recent Town Council meeting had been distributed to Oversight Committee members concerning this item. Chairman Ramotowski stated that he had spoken to Mr. Carr about this issue. Even though the lot borders the Sakonnet River on one side and is itself quite small, it apparently is possible (though not especially cheap) to install one of the new “engineered” septic systems on this parcel of land (located at the end of Fogland Peninsula). The fear is that if such a system were built, it must be properly maintained, and some owners will be more vigilant about that than others. If the system is not properly maintained, it could fail, and leak sewage into the Sakonnet River. Such a leak could trigger the closure of the beach. It appears that if the lot owner is willing to spend a considerable amount of money on such an engineered system, there is little/nothing that could be done to prevent the development of the lot, despite the contamination danger it may pose to the public beach (Fogland) located nearby.

- Save the Bay Eel Grass Restoration Program

Chairman Ramotowski noted that Save the Bay had requested support for the Town of Tiverton for there on-going efforts to restore eel grass beds at various locations in Narragansett Bay. One of these sites was located in Tiverton waters, off of Fogland. Apparently, however, the eel grass planted there had not fared that well this past year, and it is uncertain if additional efforts will be expended on the Tiverton/Fogland site this year. Correspondence concerning this issue was sent to Oversight Committee members. The Conservation Commission sent Save the Bay a letter of support.

Mr. Merriman stated that he felt the eel grass was planted in a poor location by Save the Bay. The water depth at the site is about three feet at low tide. Also the site was not well marked, and it is possible that boat motors could have churned some of it up by accident. Despite all of this, however, Mr. Merriman stated that in his opinion, something – a disease or fungus – had adversely affected the eel grass planted off of Fogland.

XII: Correspondence:

No other items of correspondence had been received, other than those already discussed during the meeting.

XIII. Adjournment

There being no further business to discuss, the 12 April 2006 meeting of the Fogland Oversight Committee adjourned at 6:50 PM.

These minutes were prepared by T. Ramotowski.